S.B.CRIMINAL MISC. BAIL APPLICATION NO.4951/2007

(Dharam Pal & Anr. vs. State of Rajasthan)

DATE OF ORDER : October 22, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.P.K.Sharma, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State. Perused the order impugned.

Learned counsel for the petitioners submits that the petitioners have already paid the entire amount to Punjab and Sindh Bank and a No Dues Certificate has been issued by the Manager, Punjab and Sind Bank, Raisingh Nagar dt. 17.10.2006 stating therein that on 17.10.2007, full and final payment has been made by petitioner Dharam Pal and nothing is due against him. Similar is the case of petitioner No.2 Net Ram, in whose favour the Manager, Punjab and Sind Bank, Raisingh Nagar issued a No Dues Certificate. Thus, nothing is outstanding against the petitioners. The FIR is out come of a bank transaction.

Since the entire amount has been paid having regard to the facts and circumstances of the case, I consider it just and

proper to grant anticipatory bail to the petitioners.

Accordingly, the bail application filed by the petitioners under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Dharam Pal s/o Dalip Singh and Net Ram s/o Budh Ram in FIR No.341/2007, P.S. Raisingh Nagar, Distt. Sri Ganganagar they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in a sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-